

MONTANA SENATE  
2007 LEGISLATURE

STATE ADMINISTRATION

ROLL CALL

DATE 2-16-07

NAMES	PRESENT	ABSENT	EXCUSED
SEN. JOE BALLYEAT (R)	✓		
SEN. VICKI COCCHIARELLA (D)	✓		
SEN. JEFF ESSMANN (R)	✓		
SEN. STEVE GALLUS (D)	✓		
SEN. LARRY JENT (D)	✓		
SEN. RICK LIABLE (R)	✓		
SEN. JESSE LASLOVICH (D)	✓		
SEN. DAVE LEWIS (D)	✓		
SEN. JIM SHOCKLEY(R)	✓		
SEN. JOE TROPILA (D)	✓		
SEN. CAROLYN SQUIRES (D) CHAIR	✓		
DAVE BOHYER, LSD	✓		
CAROL ANDERSEN, SECRETARY	✓		



## SENATE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 410** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Carolyn Squires*  
Senator Carolyn Squires, Chair

**And, that such amendments read:**

1. Title, line 6.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE."

2. Page 2, line 9.

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective January 1, 2008."

- END -

**Committee Vote:**

**Yes 6, No 5**

Fiscal Note Required — *Kf*

371013SC.spb



## SENATE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **House Bill 292** (third reading copy -- blue) **be concurred in.**

Signed:

*Carolyn Squires*  
Senator Carolyn Squires, Chair

To be carried by Senator Larry Jent

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required

— *Kf*

371016SC.spb



## SENATE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 437** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Carolyn Squifes*  
Senator Carolyn Squifes, Chair

**And, that such amendments read:**

1. Page 1, line 14.

**Following:** "7-32-303."

**Insert:** "The provisions of this section do not apply to a person who holds the office of sheriff on or before [the effective date of this act]."

- END -

**Committee Vote:**

**Yes 6, No 5**

Fiscal Note Required \_\_\_\_\_

*Kf*

371017SC.spb



## SENATE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 3

Mr. President:

We, your committee on State Administration recommend that Senate Bill 63 (first reading copy -- white) do pass as amended.

Signed:

*Carolyn Squires*  
Senator Carolyn Squires, Chair

And, that such amendments read:

1. Title, line 4.

Following: "FOR"

Insert: "THE MEMBERS OF MOST"

Strike: "BOARD"

2. Title, line 5.

Strike: "MEMBERS"

Insert: "BOARDS; REVISING THE DAILY PAY RATE OF THE MEMBERS OF CERTAIN BOARDS ATTACHED TO THE DEPARTMENT OF LABOR AND INDUSTRY"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "2-15-124,"

Insert: "37-22-201, 37-26-202, 37-28-103, AND 37-34-201,"

3. Page 2.

Following: line 13

Insert: "Section 2. Section 37-22-201, MCA, is amended to read:

"37-22-201. Duties of board -- compensation. (1) The board:

(1)(a) shall recommend prosecutions for violations of 37-22-411 and 37-23-311 to the attorney general or the appropriate county attorney, or both;

(2)(b) shall meet at least once every 3 months to perform the duties described in Title 37, chapters 1, 22, and 23. The board may, once a year by a consensus of board members, determine that there is no necessity for a board meeting.

(3)(c) shall adopt rules that set professional, practice, and ethical standards for social workers and professional

Committee Vote:

Yes 9, No 2

Fiscal Note Required — *Kf*

371018SC.spb

counselors and other rules as may be reasonably necessary for the administration of chapter 23 and this chapter; and

~~(4)~~(d) may adopt rules governing the issuance of licenses of special competence in particular areas of practice as a licensed professional counselor. The board shall establish criteria for each particular area for which a license is issued.

(2) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

**Insert: "Section 3.** Section 37-26-202, MCA, is amended to read:

**"37-26-202. Board meetings -- compensation.** (1) The board shall meet at least once annually.

(2) Special meetings may be called by any two board members or the presiding officer.

(3) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

**Insert: "Section 4.** Section 37-28-103, MCA, is amended to read:

**"37-28-103. Board meetings -- procedure -- compensation -- seal.** (1) (a) The board shall meet at least once a year. The board may convene at the request of the presiding officer or at other times the board determines necessary to transact its business.

(b) The governor shall designate the presiding officer of the board.

(3) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133.

~~(2)~~(4) The board shall adopt a seal by which the board may authenticate its documents.""

**Insert: "Section 5.** Section 37-34-201, MCA, is amended to read:

**"37-34-201. Powers and duties of board -- rulemaking authority -- compensation.** (1) The board shall:

(a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the duties described in Title 37, chapter 1, and this section; and

(b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the scope of the board's duties.

(2) The board has the authority to administer and enforce all the powers and duties granted statutorily or adopted administratively.

(3) The board shall adopt rules to administer this chapter. The rules must include but are not limited to:

(a) the development of acceptable certifications for each category of license;

(b) the establishment of criteria for educational requirements that, at a minimum, meet the standards set forth in 37-34-303; and

(c) a requirement that the supervisor of a clinical laboratory technician be accessible at all times that testing is

being performed by the technician in order to provide onsite, telephonic, or electronic consultation.

(4) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

**Renumber:** subsequent section

- END -



## SENATE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 4

Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 273** (first reading copy -- white) **do pass as amended.**

Signed:

*Carolyn Squires*  
Senator Carolyn Squires, Chair

**And, that such amendments read:**

1. Title, line 6.

**Following:** "COUNCIL"

**Insert:** "AS A QUASI-JUDICIAL BOARD"

2. Title, line 11.

**Following:** "TRANSITION;"

**Insert:** "TRANSFERRING RESPONSIBILITY FOR CONDUCTING TRAINING FOR JUVENILE PROBATION OFFICERS TO THE OFFICE OF COURT ADMINISTRATOR;"

3. Title, line 12.

**Following:** "44-4-301,"

**Insert:** "44-4-305,"

4. Title, line 13.

**Following:** "MCA;"

**Strike:** "AND"

**Following:** "44-4-302, MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1, line 18.

**Following:** "(1)"

**Insert:** "(a)"

6. Page 1, line 19.

**Following:** "council"

**Strike:** ", which"

**Insert:** ". The council is a quasi-judicial board, as provided

**Committee Vote:**

**Yes 9, No 2**

Fiscal Note Required \_\_\_\_

371226SC.ssc



for in 2-15-124, and"

7. Page 1, line 20.

**Following:** "2-15-121"

**Insert:** ", except as provided in subsection (1)(b) of this section"

8. Page 1.

**Following:** line 20

**Insert:** "(b) The council may hire its own personnel and independently administer the conduct of its business, and 2-15-121(2)(a), (2)(d), and (3)(a) do not apply."

9. Page 1, line 22.

**Following:** "to"

**Insert:** "the"

10. Page 2, line 11.

**Strike:** subsection (h) in its entirety

**Renumber:** subsequent subsections

11. Page 2, line 17.

**Following:** "governor"

**Insert:** "in accordance with 2-15-124 and"

12. Page 2, line 19.

**Strike:** "two"

**Insert:** "one"

**Strike:** "representatives"

**Insert:** "representative"

13. Page 3, line 2.

**Strike:** "two"

**Insert:** "three"

14. Page 3, line 3.

**Strike:** "training" through "professionalism"

15. Page 3, line 4 through line 9.

**Strike:** subsections (3) through (5) in their entirety

16. Page 3, line 11.

**Following:** "duties"

**Insert:** "-- determinations -- appeals"

17. Page 3, line 14.

**Strike:** "training"

**Insert:** "public safety officers"

18. Page 3, line 15.

**Strike:** "training"

**Insert:** "public safety officers"

19. Page 3.

**Following:** line 16

**Insert:** "(3) A person who has been denied certification or recertification or whose certification or recertification has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2, chapter 4, part 6, except that a decision by the council may be appealed to the board of crime control, as provided for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review."

20. Page 11, line 6.

**Strike:** "department of justice"

**Insert:** "office of court administrator"

21. Page 11, line 8 through line 11.

**Strike:** "A" on line 8 through "year." on line 11

22. Page 11, line 13.

**Strike:** "council"

**Insert:** "office of court administrator"

23. Page 11, line 15 through line 17.

**Strike:** "in" on line 15 through "section" on line 17

24. Page 11, line 20.

**Following:** "~~(1)~~"

**Insert:** "(1)"

25. Page 11.

**Following:** line 23

**Insert:** "(2) The board shall consider all appeals brought from decisions of the Montana public safety officer standards and training council pursuant to [section 4]. A board member designated as a member of the Montana public safety officer standards and training council, as provided in [section 3], may not participate in appeals brought to the board from decisions of the council. The board shall promulgate rules governing the manner and method of the appeals."

26. Page 12.

**Following:** line 26

**Insert:** "Section 17. Section 44-4-305, MCA, is amended to read:

"**44-4-305. Juvenile detention or juvenile corrections officer training.** A juvenile detention or juvenile corrections officer shall, in the first year of employment, complete a basic training course as required in ~~44-4-301~~ [section 4]. The training

must be done under the auspices of the Montana law enforcement academy but does not have to occur at the academy.""

**Renumber:** subsequent sections

27. Page 14, line 4.

**Strike:** "[section 3(5)]"

**Insert:** "2-15-124"

28. Page 14.

**Following:** line 19

**Insert:** "NEW SECTION. Section 25. Effective date. [This act] is effective July 1, 2007."

- END -



## SENATE STANDING COMMITTEE REPORT

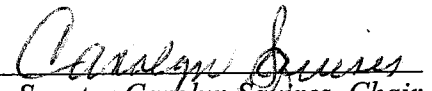
February 19, 2007

Page 1 of 2

Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 279** (first reading copy -- white) **do pass as amended.**

Signed:

  
Senator Carolyn Squires, Chair

**And, that such amendments read:**

1. Title, line 5.

**Strike:** "OR BALLOT ISSUES"

2. Title, line 6.

**Strike:** "OR BALLOT ISSUE COMMITTEES"

3. Page 1, line 17.

**Strike:** "or committees"

4. Page 1, line 20.

**Strike:** "substantially"

5. Page 1, line 22.

**Strike:** ":",

6. Page 1, line 23.

**Strike:** "(a)"

7. Page 1, line 24 through line 26.

**Following:** "endorsements" on line 24

**Strike:** ";" through "13-37-201" on line 26

8. Page 1, line 27.

**Strike:** "and"


9. Page 1, line 28.

**Strike:** "committees"

10. Page 1, line 30.

**Committee Vote:**

**Yes 8, No 3**

Fiscal Note Required — 

371021SC.spb

**Strike:** subsection (b) in its entirety  
**Renumber:** subsequent subsections

11. Page 2, line 4.

**Strike:** "and committees"

- END -



## SENATE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 2

Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 359** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Cafolyh Squires*  
Senator Cafolyh Squires, Chair

**And, that such amendments read:**

1. Title, line 7.

**Following:** "PROMOTE"

**Insert:** "AND DEVELOP PLANS FOR"

2. Page 1, line 16.

**Strike:** "breeding"

3. Page 3, line 30.

**Following:** "shall"

**Strike:** "1"

**Insert:** ": (a)"

**Following:** "promote"

**Insert:** ", within available resources"

4. Page 4, line 1.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "breeding"

**Insert:** "and horseracing"

5. Page 4, line 2.

**Strike:** "(b)"

**Insert:** "(ii)"

6. Page 4, line 3.

**Strike:** "(c)"

**Insert:** "(iii)"

**Following:** "industry"

**Committee Vote:**

**Yes 10, No 1**

**Fiscal Note Required** \_\_\_\_\_

*Kf*

371022SC.spb

**Insert: ";**

(b) develop and implement a plan of cooperation with other entities interested in horseracing, including but not limited to Indian tribes, neighboring states, neighboring Canadian provinces, and Canada; and

(c) develop a plan to address issues affecting the horseracing industry, including but not limited to the cost of liability insurance, workers' compensation coverage, enhanced purses, and the condition and safety of race tracks"

- END -



## SENATE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 1

Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 253** (first reading copy -- white) **do pass**.

Signed: \_\_\_\_\_

*Carolyn Squires*  
Senator Carolyn Squires, Chair

- END -

**Committee Vote:**

**Yes 10, No 1**

Fiscal Note Required —

*KF*

371023SC.spb





## SENATE STANDING COMMITTEE REPORT

February 19, 2007

Page 1 of 2

Mr. President:

We, your committee on **State Administration** recommend that **Senate Bill 317** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Carolyn Squires*  
Senator Carolyn Squires, Chair

**And, that such amendments read:**

1. Title, line 12.

**Following:** "WEBSITE"

**Insert:** "AND AVAILABLE TO THE NATURAL HERITAGE PROGRAM"

2. Title, line 13.

**Strike:** "IMMEDIATE"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 2, line 20 through line 23.

**Strike:** "Upon" on line 20 through "recorder" on line 23"

**Insert:** "The county clerk and recorder shall provide a copy of the conservation easement to the department of revenue office in that county within 30 days of the receipt of the original conservation easement"

4. Page 3, line 26.

**Strike:** "act"

**Insert:** "section"

5. Page 3, line 27.

**Strike:** "act"

**Insert:** "section"

6. Page 3, line 28.

**Following:** line 27

**Insert:** "(2) The department of revenue shall review conservation easement agreements collected pursuant to 76-6-207 and

**Committee Vote:**

**Yes 11, No 0**

**Fiscal Note Required** — *K7*

371025SC.spb

subsection (1) of this section and record the:

(a) legal description of the conservation easement as it relates to the established property boundaries identified in the conservation easement agreement;

(b) approximate acreage as identified in the conservation easement agreement;

(c) date of the conservation easement agreement;

(d) book and page or document number as provided for in 7-4-2617; and

(e) the name of the conservation easement grantee."

**Renumber:** subsequent subsections

7. Page 3, line 29.

**Strike:** "subsection (1)"

**Insert:** "subsections (1) and (2)"

8. Page 4.

**Following:** line 4

**Insert:** "(d) The department of administration shall provide the conservation easement data to the Montana natural heritage program for incorporation into appropriate databases developed or maintained for the purposes of Title 90, chapter 15."

9. Page 4, line 9.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

**Following:** line 9

**Insert:** "(2) [Section 5] is effective October 1, 2007."

- END -

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**COMMITTEE FILE COPY**

**TABLED BILL**

The **SENATE STATE ADMINISTRATION COMMITTEE** TABLED SB 280, by motion, on **Friday,**  
**February 16, 2007.**

  
(For the Committee)

  
(Secretary of the Senate)

\_\_\_\_\_/\_\_\_\_\_  
(Time) (Date)

February 19, 2007

Lois A. O'Connor, Secretary

Phone: 444-4772

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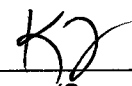
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**COMMITTEE FILE COPY**

**TABLED BILL**

The **SENATE STATE ADMINISTRATION COMMITTEE** TABLED SB 340, by motion, on **Friday,**  
**February 16, 2007.**

  
(For the Committee)

  
(Secretary of the Senate)

\_\_\_\_\_  
(Time) 12-19 (Date)

February 19, 2007

Lois A. O'Connor, Secretary

Phone: 444-4772

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MONTANA STATE SENATE  
2007 LEGISLATURE

STATE ADMINISTRATION

ROLL CALL VOTE

DATE 2-16-07 BILL NO. SB-410 NUMBER \_\_\_\_\_

MOTION: Do Pass As Amended  
Passed 6-5

NAME	AYE	NO
SEN. JOE BALLYEAT (R)		✓
SEN. VICKI COCCHIARELLA (D)	✓	
SEN. JEFF ESSMANN (R)		✓
SEN. STEVE GALLUS (D)	✓	
SEN. LARRY JENT (D)		✓
SEN. RICK LAIBLE (R)		✓
SEN. JESSE LASLOVICH (D)	✓	
SEN. DAVE LEWIS (R)		✓
SEN. JIM SHOCKLEY (R)	✓	
SEN. JOE TROPILA (D)	✓	
SEN. CAROLYN SQUIRES (D) - CHR	✓	
	6	5

P

MONTANA STATE SENATE  
2007 LEGISLATURE

STATE ADMINISTRATION

ROLL CALL VOTE

DATE 2-16-07 BILL NO. SB-437 NUMBER \_\_\_\_\_

MOTION: Table

failed 4-6

NAME	AYE	NO
SEN. JOE BALLYEAT (R)		✓
SEN. VICKI COCCHIARELLA (D)		✓
SEN. JEFF ESSMANN (R)	✓	
SEN. STEVE GALLUS (D)	✓	
SEN. LARRY JENT (D)		✓
SEN. RICK LAIBLE (R)	✓	
SEN. JESSE LASLOVICH (D)		✓
SEN. DAVE LEWIS (R)		✓
SEN. JIM SHOCKLEY (R)	✓	
SEN. JOE TROPILA (D)		✓
SEN. CAROLYN SQUIRES (D) - CHR		
	4	6

Excuse

MONTANA STATE SENATE  
2007 LEGISLATURE

STATE ADMINISTRATION

ROLL CALL VOTE

DATE 2-16-07 BILL NO. SB-437 NUMBER \_\_\_\_\_

MOTION: No Pass As Amended

6-5 Passed

NAME	AYE	NO
SEN. JOE BALLYEAT (R)		✓
SEN. VICKI COCCHIARELLA (D)	✓	
SEN. JEFF ESSMANN (R)		✓
SEN. STEVE GALLUS (D)		✓
SEN. LARRY JENT (D)	✓	
SEN. RICK LAIBLE (R)		✓
SEN. JESSE LASLOVICH (D)	✓	
SEN. DAVE LEWIS (R)	✓	
SEN. JIM SHOCKLEY (R)		✓
SEN. JOE TROPILA (D)	✓	
SEN. CAROLYN SQUIRES (D) - CHR	✓	
	6	5

MONTANA STATE SENATE  
2007 LEGISLATURE

STATE ADMINISTRATION

ROLL CALL VOTE

DATE 2-16-07 BILL NO. SB-280 NUMBER \_\_\_\_\_

MOTION: TABIE

6-5 Roll Call Vote

NAME	AYE	NO
SEN. JOE BALLYEAT (R)		✓
SEN. VICKI COCCHIARELLA (D)	✓	
SEN. JEFF ESSMANN (R)		✓
SEN. STEVE GALLUS (D)	✓	
SEN. LARRY JENT (D)	✓	
SEN. RICK LAIBLE (R)		✓
SEN. JESSE LASLOVICH (D)	✓	
SEN. DAVE LEWIS (R)		✓
SEN. JIM SHOCKLEY (R)		✓
SEN. JOE TROPILA (D)	✓	
SEN. CAROLYN SQUIRES (D) - CHR	✓	
	6	5



MONTANA STATE SENATE  
2007 LEGISLATURE

STATE ADMINISTRATION

ROLL CALL VOTE

DATE 2-16-07 BILL NO. SB-279 NUMBER \_\_\_\_\_

MOTION: Do Pass As Amended

8-3 Passed

NAME	AYE	NO
SEN. JOE BALLYEAT (R)	✓	
SEN. VICKI COCCHIARELLA (D)		✓
SEN. JEFF ESSMANN (R)	✓	
SEN. STEVE GALLUS (D)		✓
SEN. LARRY JENT (D)	✓	
SEN. RICK LAIBLE (R)	✓	
SEN. JESSE LASLOVICH (D)	✓	
SEN. DAVE LEWIS (R)	✓	
SEN. JIM SHOCKLEY (R)	✓	
SEN. JOE TROPILA (D)	✓	
SEN. CAROLYN SQUIRES (D) - CHR	-	✓
	8	3

## SENATE PROXY FORM

According to Senate Rule 30-70 ( 13) ( f ) , a committee member may vote by proxy using a standard form.

### PROXY VOTE

I, the undersigned, hereby authorize Senator

Cochiari/Ko

to vote my proxy on any issue before the Senate

State Administration Committee

held on

2-16-07

, 2007.

SB 273 NO (post bill)

SB 280 Tableyes

SB 410 yes  
HB 292 yes  
SB 437 yes  
SB 63 yes

Carolyn Quisenberry  
SENATOR  
STATE OF MONTANA



Amendments to Senate Bill No. 273  
1st Reading Copy

Requested by Senator Larry Jent

For the Senate State Administration Committee  
Prepared by Dave Bohyer  
February 19, 2007 (8:42am)

1. Title, line 6.

**Following:** "COUNCIL"

**Insert:** "AS A QUASI-JUDICIAL BOARD"

2. Title, line 11.

**Following:** "TRANSITION;"

**Insert:** "TRANSFERRING RESPONSIBILITY FOR CONDUCTING TRAINING FOR  
JUVENILE PROBATION OFFICERS TO THE OFFICE OF COURT  
ADMINISTRATOR;"

3. Title, line 12.

**Following:** "44-4-301,"

**Insert:** "44-4-305,"

4. Title, line 13.

**Following:** "MCA;"

**Strike:** "AND"

**Following:** "44-4-302, MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1, line 18.

**Following:** "(1)"

**Insert:** "(a)"

6. Page 1, line 19.

**Following:** "council"

**Strike:** ", which"

**Insert:** ". The council is a quasi-judicial board, as provided  
for in 2-15-124, and"

7. Page 1, line 20.

**Following:** "2-15-121"

**Insert:** ", except as provided in subsection (1)(b) of this  
section"

8. Page 1.

**Following:** line 20

**Insert:** "(b) The council may hire its own personnel and  
independently administer the conduct of its business, and 2-  
15-121(2)(a), (2)(d), and (3)(a) do not apply."

9. Page 1, line 22.

**Following:** "to"

**Insert:** "the"

10. Page 2, line 11.

**Strike:** subsection (h) in its entirety

**Renumber:** subsequent subsections

11. Page 2, line 17.

**Following:** "governor"

**Insert:** "in accordance with 2-15-124 and"

12. Page 2, line 19.

**Strike:** "two"

**Insert:** "one"

**Strike:** "representatives"

**Insert:** "representative"

13. Page 3, line 2.

**Strike:** "two"

**Insert:** "three"

14. Page 3, line 3.

**Strike:** "training" through "professionalism"

15. Page 3, line 4 through line 9.

**Strike:** subsections (3) through (5) in their entirety

16. Page 3, line 11.

**Following:** "duties"

**Insert:** "-- determinations -- appeals"

17. Page 3, line 14.

**Strike:** "training"

**Insert:** "public safety officers"

18. Page 3, line 15.

**Strike:** "training"

**Insert:** "public safety officers"

19. Page 3.

**Following:** line 16

**Insert:** "(3) A person who has been denied certification or recertification or whose certification or recertification has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2, chapter 4, part 6, except that a decision by the council may be appealed to the board of crime control, as provided for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review."

20. Page 11, line 6.

**Strike:** "department of justice"

**Insert:** "office of court administrator"

21. Page 11, line 8 through line 11.

**Strike:** "A" on line 8 through "year." on line 11

22. Page 11, line 13.

**Strike:** "council"

**Insert:** "office of court administrator"

23. Page 11, line 15 through line 17.

**Strike:** "in" on line 15 through "section" on line 17

24. Page 11, line 20.

**Following:** "~~(1)~~"

**Insert:** "(1)"

25. Page 11.

**Following:** line 23

**Insert:** "(2) The board shall consider all appeals brought from decisions of the Montana public safety officer standards and training council pursuant to [section 4]. A board member designated as a member of the Montana public safety officer standards and training council, as provided in [section 3], may not participate in appeals brought to the board from decisions of the council. The board shall promulgate rules governing the manner and method of the appeals."

26. Page 12.

**Following:** line 26

**Insert:** "Section 17. Section 44-4-305, MCA, is amended to read:

"44-4-305. **Juvenile detention or juvenile corrections officer training.** A juvenile detention or juvenile corrections officer shall, in the first year of employment, complete a basic training course as required in ~~44-4-301~~ [section 4]. The training must be done under the auspices of the Montana law enforcement academy but does not have to occur at the academy."

**Renumber:** subsequent sections

27. Page 14, line 4.

**Strike:** "[section 3(5)]"

**Insert:** "2-15-124"

28. Page 14.

**Following:** line 19

**Insert:** "NEW SECTION. Section 25. {standard} Effective date. [This act] is effective July 1, 2007."

- END -

✓  
Amendments to Senate Bill No. 279  
1st Reading Copy

Requested by Senator Joe Balyeat

For the Senate State Administration Committee

Prepared by Dave Bohyer  
February 19, 2007 (8:29am)

1. Title, line 5.  
**Strike:** "OR BALLOT ISSUES"
2. Title, line 6.  
**Strike:** "OR BALLOT ISSUE COMMITTEES"
3. Page 1, line 17.  
**Strike:** "or committees"
4. Page 1, line 20.  
**Strike:** "substantially"
5. Page 1, line 22.  
**Strike:** ":"
6. Page 1, line 23.  
**Strike:** "(a)"
7. Page 1, line 24 through line 26.  
**Following:** "endorsements" on line 24  
**Strike:** ";" through "13-37-201" on line 26
8. Page 1, line 27.  
**Strike:** "and"
9. Page 1, line 28.  
**Strike:** "committees"
10. Page 1, line 30.  
**Strike:** subsection (b) in its entirety  
**Renumber:** subsequent subsections
11. Page 2, line 4.  
**Strike:** "and committees"

- END -

✓

Amendments to Senate Bill No. 359  
1st Reading Copy

Requested by Senator Rick Laible and Senator Cocchiarella  
For the Senate State Administration Committee  
Prepared by Dave Bohyer  
February 19, 2007 (8:30am)

1. Title, line 7.

**Following:** "PROMOTE"

**Insert:** "AND DEVELOP PLANS FOR"

2. Page 1, line 16.

**Strike:** "breeding"

3. Page 3, line 30.

**Following:** "shall"

**Strike:** "1"

**Insert:** ": (a)"

**Following:** "promote"

**Insert:** ", within available resources"

4. Page 4, line 1.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "breeding"

**Insert:** "and horseracing"

5. Page 4, line 2.

**Strike:** "(b)"

**Insert:** "(ii)"

6. Page 4, line 3.

**Strike:** "(c)"

**Insert:** "(iii)"

**Following:** "industry"

**Insert:** ";

(b) develop and implement a plan of cooperation with other entities interested in horseracing, including but not limited to Indian tribes, neighboring states, neighboring Canadian provinces, and Canada; and

(c) develop a plan to address issues affecting the horseracing industry, including but not limited to the cost of liability insurance, workers' compensation coverage, enhanced purses, and the condition and safety of race tracks"

- END -



✓

Amendments to Senate Bill No. 317  
1st Reading Copy  
For the Senate State Administration Committee

Prepared by Dave Bohyer  
February 19, 2007 (8:31am)

1. Title, line 12.

**Following:** "WEBSITE"

**Insert:** "AND AVAILABLE TO THE NATURAL HERITAGE PROGRAM"

2. Title, line 13.

**Strike:** "IMMEDIATE"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 2, line 20 through line 23.

**Strike:** "Upon" on line 20 through "recorder on line 23"

**Insert:** "The county clerk and recorder shall provide a copy of the conservation easement to the department of revenue office in that county within 30 days of the receipt of the original conservation easement"

4. Page 3, line 26.

**Strike:** "act"

**Insert:** "section"

5. Page 3, line 27.

**Strike:** "act"

**Insert:** "section"

6. Page 3, line 28.

**Following:** line 27

**Insert:** "(2) The department of revenue shall review conservation easement agreements collected pursuant to 76-6-207 and subsection (1) of this section and record the:

(a) legal description of the conservation easement as it relates to the established property boundaries identified in the conservation easement agreement;

(b) approximate acreage as identified in the conservation easement agreement;

(c) date of the conservation easement agreement;

(d) book and page or document number as provided for in 7-4-2617; and

(e) the name of the conservation easement grantee."

**Renumber:** subsequent subsections

7. Page 3, line 29.

**Strike:** "subsection (1)"

**Insert:** "subsections (1) and (2)"

8. Page 4.

**Following:** line 4

**Insert:** "(d) The department of administration shall provide the conservation easement data to the Montana natural heritage program for incorporation into appropriate databases developed or maintained for the purposes of Title 90, chapter 15."

9. Page 4, line 9.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

**Following:** line 9

**Insert:** "(2) [Section 5] is effective October 1, 2007."

- END -

St. Ad.



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2009 Biennium

<b>Bill #</b>	SB0273	<b>Title:</b>	Revise peace officers standards and training council
<b>Primary Sponsor:</b>	Jent, Larry	<b>Status:</b>	As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts           | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<b>Expenditures:</b>				
General Fund	\$65,249	\$62,610	\$64,604	\$66,659
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>(\$65,249)</u>	<u>(\$62,610)</u>	<u>(\$64,604)</u>	<u>(\$66,659)</u>

#### Description of Fiscal Impact:

Senate Bill 273 proposes to establish a Montana Public Safety Officer Standards and Training Advisory Council under the Department of Justice for administrative purposes. This council will replace the Peace Officers' Standards and Training (POST) Advisory Council currently under the Montana Board of Crime Control.

### FISCAL ANALYSIS

#### Assumptions:

##### **Department of Justice (DOJ)**

1. It is assumed that all program costs associated with the advisory council will be transferred from the Montana Board of Crime Control (MBCC) MBCC to Department of Justice.
2. DOJ assumes that the program could be run very effectively with 1.00 FTE Program Manager.
3. The personal services costs for 1.00 FTE – Program Manager including benefits and health insurance, would be \$71,239 for FY 2008 and \$73,175 for FY 2009.

4. Operating costs for the program would be \$13,975 for FY 2008 and \$9,400 for FY 2009. These operating costs would include a new employee office package and a computer, both one time costs in FY 2008. Other operating expenses necessary to run this program would be travel and per diem for the council members, active network directory, postage, office supplies, long distance, etc.

**Montana Board of Crime Control (MBCC)**

5. There are two positions within Board of Crime Control that perform the POST regulatory functions, a public safety officer and an administrative support position. The two positions spend about 50% of their time on POST and 50% of their time on other duties and responsibilities critical to the agency's operations. Some of the other responsibilities of the public safety officer are to serve as the liaison between the board, local law enforcement and other public safety offices for the purposes of research, planning, policy development, and technical assistance. This position is responsible for managing drug enforcement and crime prevention grant programs and providing assistance to these agencies. The Board assigns projects such as the jail overcrowding study or initiating crime prevention programs for which this person's expertise and networking are very valuable and needed. Crime Control needs and would use 100% of the public safety officer's time and at the very most could only afford to transfer 50% of the administrative support position.
6. The Board of Crime Control has developed efficiencies over many years by sharing resources and minimizing costs. Most of these costs will continue for the board if the POST regulatory functions are transferred. The direct costs that could be segregated out and funds transferred are salary and benefits costs for 0.50 FTE admin support position, the travel & per diem for the POST Counsel members conducting four meetings per year and office supplies and services. The personal services costs that are transferable are \$13,956 per fiscal year. The operating costs identified as transferable are \$6,009 per fiscal year.
7. Under the MBCC, eligible POST counsel members have not claimed the daily stipend by choice. This bill would require that eligible members be paid the daily board fee.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<b>Fiscal Impact:</b>				
<b>Department of Justice</b>				
<b>FTE</b>	1.00	1.00	1.00	1.00
<b>Expenditures:</b>				
Personal Services	\$71,239	\$73,175	\$75,169	\$77,224
Operating Expenses	<u>\$13,975</u>	<u>\$9,400</u>	<u>\$9,400</u>	<u>\$9,400</u>
<b>TOTAL Expenditures</b>	<u><u>\$85,214</u></u>	<u><u>\$82,575</u></u>	<u><u>\$84,569</u></u>	<u><u>\$86,624</u></u>
<b>Funding of Expenditures:</b>				
General Fund (01)	<u>\$85,214</u>	<u>\$82,575</u>	<u>\$84,569</u>	<u>\$86,624</u>
<b>TOTAL Funding of Exp.</b>	<u><u>\$85,214</u></u>	<u><u>\$82,575</u></u>	<u><u>\$84,569</u></u>	<u><u>\$86,624</u></u>
<b>Montana Board of Crime Control</b>				
<b>FTE</b>	(0.50)	(0.50)	(0.50)	(0.50)
<b>Expenditures:</b>				
Personal Services	(\$13,956)	(\$13,956)	(\$13,956)	(\$13,956)
Operating Expenses	<u>(\$6,009)</u>	<u>(\$6,009)</u>	<u>(\$6,009)</u>	<u>(\$6,009)</u>
<b>TOTAL Expenditures</b>	<u><u>(\$19,965)</u></u>	<u><u>(\$19,965)</u></u>	<u><u>(\$19,965)</u></u>	<u><u>(\$19,965)</u></u>
<b>Funding of Expenditures:</b>				
General Fund (01)	(\$19,965)	(\$19,965)	(\$19,965)	(\$19,965)
<b>Revenues:</b>				
General Fund (01)	\$0	\$0	\$0	\$0
<b>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</b>				
General Fund (01)	(\$65,249)	(\$62,610)	(\$64,604)	(\$66,659)

Sponsor's Initials

Date

Budget Director's Initials

Date

St. Ad.



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2009 Biennium

<b>Bill #</b>	SB0317	<b>Title:</b>	Restrict land trust merger of title
<b>Primary Sponsor:</b>	Lewis, Dave	<b>Status:</b>	As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

#### Description of fiscal impact:

This bill has no fiscal impact.

### FISCAL ANALYSIS

#### Assumptions:

1. Section 1 (2) of the bill amends 70-17-111, MCA, to specify that a conservation easement may not be extinguished through transfer of fee title to the land to which the conservation easement is attached. In addition, section 2 amends 70-17-203, MCA, to include conservation easements in the class of covenants that run with the land.
2. Under current law, conservation easements are considered to run with the land (76-6-209, MCA). In combination with the previous assumption, this suggests that the bill will not affect the current treatment of conservation easements with respect to transfer of title.
3. Proposed law will not affect the current law valuation of properties with conservation easements, and thus, will not affect projected property tax revenues from assessments on these properties.
4. Under proposed law, additional administrative costs incurred to the Department of Revenue in the 2009 biennium will not require additional expenditures.

5. An average of 80 to 120 new conservation easements are added per year at a cost of about \$1,400 to \$2,000 labor hours to record. This has already been factored into a grant request for Montana Land Information Act (MLIA) funds.
6. The cost of transforming the Heritage Program's Stewardship database to integrate with the cadastral database has already been planned for and the expected completion date will be before July 1, 2007. Funding will be requested from MLIA funds.

**Technical Notes:**

1. Section 5 (1) should specify that conservation easement information shall be mailed or electronically transferred to the Helena office of the Department of Revenue.
2. Section 5 does not provide a penalty for non-compliance with the conservation information transfer requirement.

DmL  
Sponsor's Initials

1-30-2007  
Date

[Signature]  
Budget Director's Initials

1/29/07  
Date